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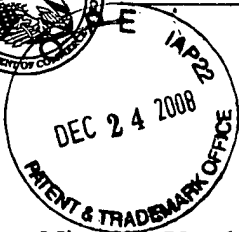
EC: 22313145050 \*0217-06910-10-36

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Nixon & Vanderhye P.C.  
8th Floor  
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Arlington VA 22201

**COPY MAILED**  
**DEC 18 2008**

In re Application of	:	
Richard L. Veech	:	
Application No. 09/843,694	:	DECISION ON PETITIONS
Filed: April 30, 2001	:	UNDER 37 CFR 1.137(b) AND
Attorney Docket No. 604-591	:	37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.137(b), filed November 26, 2008, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.78(a)(6), filed November 26, 2008, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional Application No. 60/040,858 set forth in the Supplemental Application Data Sheet (ADS) filed December 15, 2008.

**Petition Under 37 CFR 1.137(b)**

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed November 26, 2001, which set a shortened statutory period for reply of three (3) months. Petitioner obtained an extension of time for response within the third month under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 27, 2001. A Notice of Abandonment was mailed on July 3, 2002.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has submitted (1) the required reply under 37 CFR 1.137(c) in the form of a continuing application (i.e. Application No. 10/153,873); (2) the petition fee; and (3) a proper statement of unintentional delay. Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being revived solely for purposes of accepting an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 60/040,858.

**Petition Under 37 CFR 1.78(a)(6)**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The Office notes that intermediate application, PCT/US98/05072, was filed on March 17, 1998, within twelve months of the filing date of prior-filed provisional Application No. 60/040,858, filed March 17, 1997, for which priority is claimed. A reference to the prior-filed provisional application has been included in the Supplemental ADS filed December 15, 2008. Accordingly, the petition under 37 CFR 1.78(a)(6) is **GRANTED**.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

The current surcharge set forth in 37 CFR 1.17(t) for acceptance of an unintentionally delayed claim for priority is \$1,410.00; however, petitioner paid a fee of \$130.00. The Office will charge the Deposit Account for the balance due of \$1,280.00, as authorized.

The application is being forwarded to Technology Center AU 1614 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of priority to the prior-filed provisional application.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt





# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
09/843,694	04/30/2001	1614	1548	604-591	31	11

**CONFIRMATION NO. 3434**

## CORRECTED FILING RECEIPT



Nixon & Vanderhye P.C.  
8th Floor  
1100 N. Glebe Rd.  
Arlington, VA 22201

Date Mailed: 12/17/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Richard L. Veech, Rockville, MD;

### Assignment For Published Patent Application

BTG International Limited

### Power of Attorney:

Leonard Mitchard--29009

### Domestic Priority data as claimed by applicant

This application is a CON of 09/397,100 09/16/1999 PAT 6,323,237  
which is a CIP of PCT/US98/05072.03/17/1998  
which claims benefit of 60/040,858 03/17/1997

### Foreign Applications

If Required, Foreign Filing License Granted: 06/26/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 09/843,694**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Therapeutic compositions

**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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#### **NOT GRANTED**

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